

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

**KUMAR NAHARAJA**

*Plaintiff-Appellant, an individual, in Pro-per*

**v.**

**NATIONAL LABOR RELATIONS BOARD, et al**

Former General Counsel **Richard F. Griffin Jr.**

Executive Secretary **Gary Shinnars,**

Former Solicitor General William B. Cowen,

Defendants,

*(Federal Board/Agency, and three individual  
Officers of NLRB in their individual & official  
capacities)*

*Defendants-Appellees*

**CASE: 17-5107**

D.D.C. No. 1:16-cv-24 BAH

**FED. R. APP. P. 2**

**FED. R. APP. P 3(e)**

**PL.-APPELLANT'S FIFTH MOTION TO HOLD APPEAL IN  
ABEYANCE UNTIL PAYMENT OF FILING & DOCKETING  
FEE, OR FRAP 24(a)(1) MOTION**

**(I). D.C. Cir. R. 27(h)(2) COMPLIANCE**

1.

Pl.-Appellant KUMAR NAHARAJA proceeding without assistance of counsel in this timely filed Appeal did not consult with defendant[s] before filing this motion for the purposes of seeking consent for filing this brief continuance UNTIL and

including Apr. 30, 2018 due to the continuing extra-ordinary hardship circumstances of Pl-Appellant as set forth in this motion which are due to NO FAULT of Plaintiff-Appellant, or due to a lack of diligence, and which precludes the consideration of defendants' objection, if any, on this matter.

**(II). MOTION TO HOLD APPEAL IN ABEYANCE  
UNTIL AND INCLUDING APRIL 30, 2018**

Pl-Appellant for the GOOD CAUSE & COMPELLING CIRCUMSTANCES set forth in this motion (*see* Sec. III, Mem. in Supp. ¶¶ 1-3, *at* 2-6, *infra*) respectfully moves this court to GRANT this fifth Motion for a brief continuance until payment of filing & docketing fee, or otherwise to file a FRAP 24(a)(1) motion in the district court, and to HOLD THIS APPEAL IN ABEYANCE **until and including Apr. 30, 2018.**

**(III). MEMORANDUM IN SUPPORT OF HOLDING  
THIS APPEAL IN ABEYANCE**

1.

The compelling circumstances that warrant this fifth brief continuance include all of the following factors which are **due to no fault of Plaintiff-Appellant**, and are not limited to these factors alone—

(i).

Pl-Appellant is a victim of newer criminal offenses with open ended criminal activity in a landlord-tenant dispute and that was perpetrated by

certain individuals licensed to practice law in Oregon, and which were abetted by high-level public officials in the course of violating 18 U.S.C § 1513(b) (*relating to retaliating against a witness, victim, or an informant*) and hindering prosecution as that term is defined by ORS § 162.325 [*Hindering Prosecution*].<sup>1,2</sup> See *United States v. Lazarre*, 14 F.3d 580, 581 at n.3 (11th Cir. 1994) (using the term ‘high-level official’...[to] refer to an official in a high-level decision making or sensitive position) (internal

---

<sup>1</sup> ORS § 162. 325 (1) that defines the Class C felony crime of hindering prosecution provides that—

"A person commits the crime of hindering prosecution if, with intent to hinder the apprehension, prosecution, conviction or punishment of a person who has committed a crime punishable as a felony, or with the intent to assist a person who has committed a crime punishable as a felony in profiting or benefitting from the commission of the crime, the person:

- (a) Harbors or conceals such person; or
- (b) Warns such person of impending discovery or apprehension; or
- (c) Provides or aids in providing such person with money, transportation, weapon, disguise or other means of avoiding discovery or apprehension; or
- (d) Prevents or obstructs, by means of force, intimidation or deception, anyone from performing an act which might aid in the discovery or apprehension of such person; or
- (e) Suppresses by any act of concealment, alteration or destruction physical evidence which might aid in the discovery or apprehension of such person; or
- (f) Aids such person in securing or protecting the proceeds of the crime."

quotation marks omitted).

(ii).

Briefly, as this court was made aware of in the Pl-Appellant's Jan. 1, 2018 Motion to hold this appeal in abeyance, Pl-Appellant has been rendered homeless due to the reckless criminal acts of certain 'high-level' public officials in the State of Oregon who abetted and perpetrated the criminal offenses, in part with an intent to hinder criminal prosecution, and in retaliation for Plaintiff-Appellant's good faith reporting to the state regarding the violations of statutory and state ethics law perpetrated by a public official of the state judiciary. *See In re Garrett*, 613 So. 2d 463 (Fla.1993) (judge removed from office for shoplifting because public could not repose confidence in a judge who had knowingly stolen property).

(iii).

Additionally, as this court was also apprised of in the preceding Pl-Appellant's Motion to hold this appeal in abeyance, Pl-Appellant has been unemployed since August 31, 2013 due to being deprived of his livelihood, educational opportunity in Graduate Medical Education AND employment that was UNLAWFULLY terminated on Aug. 30, 2013 with criminal motives to frustrate efforts to prosecute, or otherwise bring to justice the perpetrators of criminal activity. *See* Pl-App's 4th Mot. to Hold Appeal in

abeyance, ¶¶ 1-6, at 2-8, and n.1- n. 5, at 3-7, No. 17-5107, Dkt. No.

1711030 (D.C. Cir., Jan. 1, 2018) which Pl-Appellant incorporates into this paragraph by reference.

(iv).

In view thereof, Pl-Appellant continues to suffer from SEVERE ongoing economic losses due to no fault of Pl-Appellant.

2.

A timely Notice of Appeal has been filed in this case on May 3, 2017 pursuant to the district court's *nunc pro tunc* Order. *See* Minute Order, No. 1:16-cv-24BAH, (D.D.C. Apr. 5, 2017). Pursuant to this court's May 17, 2017 clerk's order, Pl-Appellant has timely filed the following "*Initial submissions*":

- (a) Transcript Status Report
- (b) Certificate as to Parties, Rulings & Related Cases
- (c) Underlying decision from which Appeal arises
- (d) Brief Statement of issues to be raised.
- (e) Docketing Statement Form

*See* Pl-Appellant's Mot. Hold Appeal in Abeyance, Sec. III, ¶¶ 3-8, at 4-7, Dkt No. 1681033, No. 17-5107, (D.C. Cir., June 22, 2017).

3.

Pl-Appellant requires a reasonable period of additional time UNTIL and including Apr. 30, 2018 by which time Pl-Appellant believes a potential arrangement for

payment of the filing & docketing fee for this Appeal may likely be possible, or otherwise to afford Appellant the opportunity to file a FRAP 24(a)(1) Motion in the district court.

#### **(IV). RELIEF**

WHEREFORE, for ALL of the compelling reasons, continuing circumstances of extra-ordinary hardship faced by Pl-Appellant due to **no fault of his own**, and the GOOD CAUSE set forth in this motion (see Sec. III. Memo in Supp., ¶¶ 1-3, at 2-6, *supra*), Plaintiff-Appellant respectfully moves this court to GRANT this fifth Motion for a brief continuance until payment of filing & docketing fee, or otherwise to file a FRAP 24(a)(1) motion in the district court, and to HOLD THIS APPEAL IN ABEYANCE **until and including Apr. 30, 2018**.

#### **(V). CERTIFICATE OF SERVICE**

I hereby certify that on Feb. 27, 2018 (PST), I filed a copy of the following motion listed below electronically *via* Appellate CM/ECF.

“Pl.-APPELLANT’S FIFTH MOTION TO HOLD APPEAL IN ABEYANCE UNTIL PAYMENT OF FILING & DOCKETING FEE, OR FRAP 24(a)(1) MOTION”

Pursuant to FRAP 25(c)(2), the court’s transmission equipment makes electronic service of this motion on defendants’ counsel whose names are set forth below AND satisfies the service requirement of Cir. R. 25(a) [*Filing & Service by*

*Electronic Means*].

Diana Orantes Embree & Portia Gant

*Counsel for defendant[s]*

National Labor Relations Board

1015 Half Street, SE Fourth Floor, Washington DC 20570

via NDA-Appellate CM/ECF

Respectfully submitted,

Dated: Feb. 27, 2018 (10:16 PM, PST)



**KUMAR NAHARAJA**  
(Pl-Appellant in Pro-per)

PGY-2 Resident Physician<sup>3</sup>

Pediatric Neurology Residency Program

Doernbecher Children's Hospital

OHSU School of Medicine, Portland, OR 97239

*Mailing address-*

930 NW 25TH PL APT 402  
PORTLAND, OR 97210-2875

Phone: 612.987.6782

---

<sup>3</sup> Petitioner's Graduate Medical Education & employment was unlawfully, with a criminal intent disrupted & terminated on 08/30/2013 through criminal RICO offenses perpetrated by an organized pattern of racketeering activity as that term is defined by 18 U.S.C. § 1961 (5) with fraudulently concealed criminal motives and perpetrated by 18 supervisors &/or administrators at OHSU School of Medicine, Portland, OR. *See* 18 U.S.C. § 1962 (c) & (d). *See* City of Portland, Portland Police Bureau's [PPB] Police Report, PPB Case No.14-84393. In *United States v. Benton*, the Fifth Circuit defined motive as "the reason that nudges the will and prods the mind to indulge the criminal intent." 637 F.2d 1052, 1056-57 (5th Cir. 1981). *See* Am. Compl. at 1-3, n.1 & n.2, ECF No. 11, at 1-3, No.1:16-cv-24 BAH, (D.D.C., Feb. 25, 2016).